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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,860	11/07/2005	Timothy E. Wilson	11694/04407	1899
27483 7590 08/29/2007 CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			EXAMINER VAN, QUANG T	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/527,860

Applicant(s)

WILSON ET AL.

Examiner

Quang T. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 32-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 19-21, 24 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 22, 23 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/26/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-31) in the reply filed on July 09, 2007 is acknowledged. Non-elected claims 32-51 are withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sprenger et al (US 5,821,504), cited by applicants. Springer discloses an induction heating system for 360° curing of can body coatings comprising a housing (104); a tube (106) in said housing (104) defining a generally enclosed space in said housing through which the workpieces (102) travel as they move through said apparatus, said tube (106) having an inlet end (105) for receiving workpieces (102) and an outlet end (107) for discharging workpieces (102); an induction coil (108) for heating the workpieces (102) as they move through said enclosed space (106); an air inlet in said tube for enabling air to flow into said enclosed space (col. 6, lines 66-67 and col. 7, lines 1-5); an air outlet (107) in said tube (106) for enabling air to flow out of said enclosed space to the exterior of said housing (104); and a fan operative to move air through said enclosed space between said air inlet and said air outlet (col. 6, lines 24-26); wherein said air inlet in said tube

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enables air to flow from the interior of said housing into said enclosed space (col. 6, lines 66-67 and col. 7, lines 1-5).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 7-12, 19-21, 24, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springer et al (US 5,821,504), cited by applicants, in view of Yamagishi et al (US 3,912,846). Springer discloses substantially all features of the claimed invention except said fan being a suction fan connected with said air outlet. Yamagishi discloses a fan being a suction fan connected with an air outlet (col. 7, lines 11-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Springer a fan being a suction fan connected with an air outlet as taught by Yamagishi in order to draw air through the enclosed space. With regard to claim 24, "a cover for said cabinet, said cover being hingedly connected to said walls of said cabinet, said cover being movable between a closed position closing said cabinet and an open position in which said top opening of said cabinet..", recited in lines 8-10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a cabinet with a cover for said cabinet, said cover being hingedly connected to said walls of said cabinet, said cover being movable between a closed position closing said cabinet and an open position in which said top

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opening of said cabinet in order to enable removal of said tube through said top of opening of the cabinet for repair and maintenance. With regard to claim 28, "a temperature sensor on the bottom of said workpiece outlet opening". It would have been obvious to one having ordinary skill in the art at the time the invention was made to place a temperature sensor on the bottom of said workpiece outlet opening, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. With regard to claim 31, said motion sensor being a laser sensor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a motion sensor being a laser sensor in order to have an accuracy status of the heating objects.

6. Claims 14-18 are allowed.

7. Claims 6, 13, 22-23, 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest said housing having opposite end walls for supporting said tube, each one of said end walls having a support member on which a respective end of said tube rests to block downward movement of said tube end, each one of said end walls having a stop member movably connected with said end wall at a location above said tube end to block upward movement of said tube ends, said tube being removable from said housing upon movement of said stop members as recited in claims 14-18.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



QV

August 14, 2007



Quang T Van  
Primary Examiner  
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